## REMARKS

This Application has been carefully reviewed in light of the *Office Action* dated April 30, 2008. At the time of the *Office Action*, Claims 1-34 were pending, of which, the Examiner rejected Claims 1-34. Applicants has amended Claims 9, 27 and 30, and left Claims 1-8, 10-26, 28, 29 and 31-34 unamended. Applicant respectfully requests reconsideration and favorable action in this case.

## Claim Objections

The Examiner objects to Claims 9 and 28 as allegedly being indefinite for including the phrase "operable to." Applicant respectfully traverses this objection. Applicant respectfully contends that one of ordinary skill in the art would appreciate the scope of Claims 9 and 28 as presented. Moreover, Applicant conducted an information search of the PTO's website on 07/29/2008 for all patents issued on that date containing the phrase "operable to" in at least one claim. As a result, Applicant found that the PTO issued over 120 such patents. Consequently, Applicant respectfully requests the Examiner to withdraw the objections of Claims 9 and 28.

## Rejections Under 35 U.S.C. § 112

The Examiner rejects Claims 28 and 30 under 35 U.S.C. § 112, second paragraph, as lacking proper antecedent basis. Applicant has amended Claims 28 and 30 in a fashion whereby the Examiner's rejection has been rendered moot. Applicant therefore respectfully requests the Examiner to withdraw the rejections of Claims 28 and 30 under 35 U.S.C. § 112.

## Rejections Under 35 U.S.C. § 101

The Examiner rejected Claims 9-15, 25, 28 and 31 under 35 U.S.C. § 101 as allegedly being directed to software per se. While Applicant does not necessarily agree with the propriety of the Examiner's rejection, Applicant has amended Claim 9 to recite a processor controlled device. Accordingly, Applicant therefore respectfully requests the Examiner to withdraw the rejections of Claims 9-15, 25, 28 and 31 under 35 U.S.C. § 101.

## Rejections Under 35 U.S.C. § 102

The Examiner rejects Claims 1-5, 9-11, 15-20, 24-32 and 34 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Publication No. 2003/0061515 to Kindberg et al. ("*Kindberg*"). Applicant respectfully traverses these rejections for the reasons stated below.

Applicant respectfully submits that *Kindberg* fails to disclose, or even teach or suggest, the elements specifically recited in Applicant's claims. For example, *Kindberg* fails to disclose, teach, or suggest the following elements recited in independent Claim 1 (emphasis added):

> comparing the received incoming message with the signature file to determine whether the incoming message is malicious; and
> **if it is determined to be malicious**, blocking the incoming message from reaching the web server.

The Examiner identifies the database of capability records of *Kindberg* as the "signature file" of Claim 1 and the capability-enabled URL of *Kindberg* as the "incoming message" of Claim 1. *Office Action*, page 3. Applicant does not necessarily agree with these identifications, but refer to them for the sake of argument. To reject the above-quoted limitations of Claim 1, the Examiner relies on a capability verification procedure for verifying whether a capability received as part of a capability-enabled URL is genuine as described in paragraph [0054] of *Kindberg*. *Office Action*, page 4. According to paragraph [0054]:

> In step 610, **the capability is verified** by first determining whether the resolved identification number corresponds to a database record. If a database record exists for the identification number, the decoded expected random number is checked for a match with the random number in the identified database record. If a record exists for the decoded identification number and the random number in the record matches the expected random number, then the capability **is accepted as genuine.** If either the identification number or random number does not match, the request is rejected and can either be ignored or responded to with an error message.

*Kindberg*, paragraph [0054] (emphasis added). That is, the passage discloses that a capability-enabled URL (the alleged incoming message) is matched with a database record (the alleged signature file) to determine whether the capability-enabled URL is genuine and that the capability-enabled URL is ignored based on whether it is determined to be genuine

but not on whether it is determined to be malicious. Thus, *Kindberg* does not disclose, teach, or suggest "if it is determined to be malicious, blocking the incoming message from reaching the web server" as required by Claim 1. For at least these reasons, independent Claim 1 and its dependent claims are allowable under 35 U.S.C. § 102. For analogous reasons, independent Claims 9 and 16 and their respective dependent claims are allowable under 35 U.S.C. § 102.

Additionally, *Kindberg* fails to disclose, teach, or suggest the following elements recited in independent Claim 34 (emphasis added):

> comparing a length of a URL in a message header of the incoming message with the predefined length in the signature file to determine whether the incoming message is malicious; and
> if the incoming message is determined to be malicious, blocking the incoming message from reaching a web server.

To reject the above-quoted limitations of Claim 34, the Examiner relies on a capability recognition procedure described in paragraph [0052] of *Kindberg*. *Office Action*, page 5. According to paragraph [0052]:

> In step 600, the reverse proxy server 201 receives a capability-enabled URL. The capability character string **may be recognized** as such by referring to the table used to track issued capabilities and avoid capability/URL ambiguity.. Alternatively, all URLs having a character string conforming to the length and composition conforming to the established capability format (allowing for escape sequences if present) may be passed to step 605.

*Kindberg*, paragraph [0054] (emphasis added). That is, the passage discloses that a capability-enabled URL (the alleged incoming message) may be recognized as such if its character string has a character string conforming to the length and composition conforming to the established capability format. Thus, *Kindberg* does not disclose, teach, or suggest "comparing the received incoming message with the signature file to determine whether the incoming message is malicious" as required by Claim 34. For at least these reasons, independent Claim 34 is allowable under 35 U.S.C. § 102. Accordingly, in light of the above arguments and for other apparent reasons, Applicant respectfully requests reconsideration and allowance of Claims 1-34.

## Rejections Under 35 U.S.C. § 103

The Examiner rejects Claims 6-8, 12-14, and 21-23 under 35 U.S.C. § 103(a) as being unpatentable over *Kindberg* in view of U.S. Patent No. 7,080,000 to Cambridge ("*Cambridge*"). The Examiner further rejects Claim 33 as being unpatentable over *Kindberg* in view of U.S. Patent No. 6,968,394 to El-Rafie ("*El-Rafie*"). Applicant respectfully contends that none of *Kindberg*, *Cambridge*, or *El-Rafie* (collectively, the "*Cited References*") disclose, teach, or suggest each of these limitations either alone or in combination.

Since, as explained above with respect to the §102 rejection of Claim 1 (and by analogy with respect to the § 102 rejections of Claims 9 and 16), *Kindberg* fails to disclose, teach, or suggest the above-quoted limitations of Claim 1 and since each of Claims 6-8 and 33, depend on Claim 1, Claims 12-14 depend upon Claim 9, and Claims 21-23 depend upon Claim 16, Applicant respectfully contends that the above-recited arguments against *Kindberg* apply with equal force to the rejections of Claims 6-8, 12-14, 21-23 and 33. Moreover, Applicant further contends that the deficiencies of *Kindberg* are not taught, disclosed, or suggested by *Kindberg* in view of any other of the *Cited References*, or in view of the knowledge of one of ordinary skill in the art. Accordingly, Applicant respectfully contends that all claims are in condition for allowance.
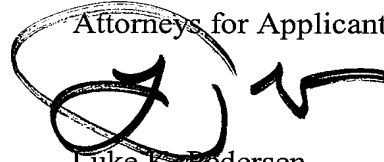
## CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact the undersigned Attorney for Applicant, at the Examiner's convenience at (214) 953-6655.

No additional fee is believed to be due at this time. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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